

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

ARTHUR GREER,

Plaintiff,

v.

Civil No. 05-10101-BC

Hon. David M. Lawson

Magistrate Judge Charles E. Binder

AUBERTO C. ANTIONINI,

Defendant.

ORDER OVERRULING PLAINTIFF'S OBJECTIONS TO MAGISTRATE'S ORDER

This prisoner civil rights case was filed on April 8, 2005. The Court referred the matter to Magistrate Judge Charles E. Binder for hearing and determination of pretrial matters on May 4, 2005. On August 18, 2005, the magistrate judge denied the plaintiff's motion for counsel without prejudice. On August 22, 2005, the magistrate judge denied the plaintiff's discovery motion without prejudice. The plaintiff filed objections to these orders on August 30, 2005.

The district court reviews an order by a magistrate judge on a non-dispositive matter to determine whether the decision is "clearly erroneous." *United States v. Curtis*, 237 F.3d 598, 603 (6th Cir. 2001). A decision is "clearly erroneous" if "although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been committed." *United States v. United States Gypsum Co.*, 333 U.S. 364, 395 (1948). Where there are two plausible views, a decision cannot be "clearly erroneous." *Anderson v. City of Bessmer City, North Carolina*, 470 U.S. 564, 573 (1985). The Court has reviewed the orders entered by the magistrate judge and determined that they are not clearly erroneous.

Accordingly, it is **ORDERED** that the plaintiff's objection to the magistrate judge's order is **OVERRULED**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: October 6, 2005

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on October 6, 2005.

s/Tracy A. Jacobs
TRACY A. JACOBS